

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FAIR HOUSING CENTER OF
WASHINGTON,

Plaintiff,

v.

BREIER-SCHEETZ PROPERTIES, LLC, a
Washington corporation; and FREDERICK
BREIER-SCHEETZ, an individual,

Defendants.

No. 2:16-cv-00922-TSZ

PLAINTIFF'S SECOND PETITION FOR
AN ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE HELD
IN CIVIL CONTEMPT AND FOR
ACTUAL AND PUNITIVE DAMAGES
AND OTHER RELIEF

**NOTE ON MOTION CALENDAR:
October 19, 2018**

NOW COMES THE PLAINTIFF, the Fair Housing Center of Washington, and hereby moves this Honorable Court for entry of a Second Order to Show Cause why defendants Breier-Scheetz Properties, LLC and Frederick Breier-Scheetz should not be held in contempt of court for violating this Court's injunction entered October 6, 2017 [Docket Entry 61] as reaffirmed by Order dated August 29, 2018 [Docket Entry 91].

In an extraordinary display of contempt for the law and for this Court's orders, the Defendants continue to maintain their policy of prohibiting a woman with a child from renting an efficiency apartment at the Granada. On September 26, 2018 at 3:46 pm, the Fair Housing Center of Washington once again tested Granada Apartments to see if it has finally complied with this Court's rulings. It has not.

The Efficiency Apartment Test – September 26, 2018

On September 26, 2018, at 3:46 pm, Tester #502 called the rental office of the Granada Apartments. The call was immediately answered by a female who identified herself as “Suzie” and stated that she was the manager. The Tester identified herself by name and stated that she was looking to find a studio apartment for herself and her son. The manager stated that there were no studios available and even if there were, they would not be rented to two people. She went on to say the property was a small family owned business and the owner made the decision not to rent a studio to two people. The Tester inquired if it would make a difference if her son was a “little guy.” Suzie said that would not make a difference. She went on to say the management has found that when a studio is rented to two people they tend to not stay long. The conversation ended at 3:47 pm and the Tester prepared her written test report at 4:30 pm that same day. The Sworn Declaration of Tester #502 is attached hereto as Exhibit 1.

This blatant violation of this Court’s orders comes after one civil contempt petition has already been filed and after this Court by Order dated August 29, 2018, granted Plaintiff’s Petition for an Order to Show Cause, upheld the validity of the injunction entered almost one year ago on October 6, 2017, and refused to stay its enforcement.

It is now apparent that nothing short of incarceration will compel the Defendants to comply with the law and respect this Court’s orders. Plaintiff respectfully requests that this Court grant their Second Petition for an Order to Show Cause why Defendants should not be held in contempt; schedule a hearing on the two contempt petitions; and upon a finding that the Defendants have willfully violated this Court’s Orders, award Plaintiff additional punitive

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1 damages in the amount of \$5,000,000 (since the threat of a \$1,000,000 award did not change its
2 conduct) and incarcerate Defendant Frederick Breier-Scheetz until such time as he has complied
3 with this Court's Orders.

4 DATED this 4th day of October, 2018.

5 MacDONALD HOAGUE & BAYLESS

6
7 By: /s/ Jeffrey L. Taren

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12 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed this document entitled *Plaintiff's Second Petition for An Order To Show Cause Why Defendants Should Not Be Held In Civil Contempt and For Actual and Punitive Damages and Other Relief* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

George T. Hunter: gthunter7700@gmail.com

Dated: October 4, 2018

/s/ Jeffrey L. Taren

Jeffrey L. Taren, WSBA #50275